



STATE OF WASHINGTON

## STATE BUILDING CODE COUNCIL

### Washington State Energy Code Development Standard Energy Code Proposal Form

Jan 2022

Log No. 21-GP3-010

Code being amended: ☐ Commercial Provisions ☒ Residential Provisions

Code Section # Table R406.3 Option 5.3 & 5.6 (New)

#### Brief Description:

Table R406.3 Option 5.3: Reverts credit option back to as noted in the 2018 WSEC-R (identical language).

Table R406.3 Option 5.6: Adds credit option previously listed in the 2018 WSEC-R (previously option 5.2) back into the 2021 WSEC-R.

**Proposed code change text:** (Copy the existing text from the Integrated Draft, linked above, and then use underline for new text and ~~strikeout~~ for text to be deleted.)

**TABLE R406.3 (continued)**  
**ENERGY CREDITS**

OPTION	DESCRIPTION	CREDITS(S)	
		All other	Group R-2 <sup>a</sup>
<b>5.EFFICIENT WATER HEATING OPTIONS</b> Only one option from Items 5.3 through <del>5.5</del> <u>5.6</u> may be selected in this category. Items 5.1 and 5.2 may be combined with any option.			
5.3	<u>Water heating system shall include one of the following:</u> <u>Energy Star rated gas or propane water heater with a minimum UEF of 0.91</u> <b>or</b> Solar water heating supplementing a minimum standard water heater. Solar water heating will provide a rated minimum savings of 85 therms or 2000 kWh based on the Solar Rating and Certification Corporation (SRCC) Annual Performance of OG-300 Certified Solar Water Heating System <b>or</b> Water heater heated by ground source heat pump meeting the requirements of Option 3.3.  To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the water heater equipment type and the minimum equipment efficiency and, for solar water heating systems, the calculation of the minimum energy savings.	1.0	1.0

5.6	<p>Water heating system shall include one of the following:  <u>Energy Star rated gas or propane water heater with a minimum UEF of 0.80.</u></p> <p><u>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the water heater equipment type and the minimum equipment efficiency.</u></p>	0.5	0.5
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**Purpose of code change:**

This proposal begins to remedy conflicting provisions in the WSEC-R that are preempted by federal law (EPCA).

Coinciding with the 2021 WSEC-R's mandate for heat pump water heating (R403.5.7 & R403.5.7.1) and prohibition all other covered products (42 U.S.C. § 6295), the new edition removed all possible energy credit options related to other covered products. This action is in direct violation with the EPCA. This proposal restores the 2018 WSEC-R energy credits options related to high efficiency gas water heaters that were removed. It is important to incentivize higher efficiency appliances.

For any covered product, "EPCA, 42 U.S.C. § 6297(c), expressly preempts State and local regulations concerning the energy use" California Restaurant Ass'n v. City of Berkeley (9th Cir. 2023).

Your amendment must meet one of the following criteria. Select at least one:

- |   |  |
|---|--|
| <input type="checkbox"/> Addresses a critical life/safety need.   | <input checked="" type="checkbox"/> Consistency with state or federal regulations. |
| <input type="checkbox"/> The amendment clarifies the intent or application of the code.                                     | <input type="checkbox"/> Addresses a unique character of the state.                |
| <input type="checkbox"/> Addresses a specific state policy or statute.<br>(Note that energy conservation is a state policy) | <input type="checkbox"/> Corrects errors and omissions.                            |

Check the building types that would be impacted by your code change:

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Single family/duplex/townhome | <input type="checkbox"/> Multi-family 4 + stories | <input type="checkbox"/> Institutional |
| <input checked="" type="checkbox"/> Multi-family 1 – 3 stories    | <input type="checkbox"/> Commercial / Retail      | <input type="checkbox"/> Industrial    |

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Other contact name [Click here to enter text.](#)

## **Economic Impact Data Sheet**

**Is there an economic impact:** ☐ Yes ☒ No

Briefly summarize your proposal's primary economic impacts and benefits to building owners, tenants, and businesses. If you answered "No" above, explain your reasoning.

In reference to the currently in force 2018 WSEC-R, there is zero economic impact as this proposal rolls back changes that the 2021 WSEC-R would have imposed. This proposal averts any cost increases that this section of the 2021 WESC would have created.

Provide your best estimate of the **construction cost** (or cost savings) of your code change proposal? (See OFM Life Cycle Cost [Analysis tool](#) and [Instructions](#); use these [Inputs](#). [Webinars on the tool can be found Here](#) and [Here](#))

**\$0 /square foot** (For residential projects, also provide **\$0 / dwelling unit**)

Show calculations here, and list sources for costs/savings, or attach backup data pages

Provide your best estimate of the **annual energy savings** (or additional energy use) for your code change proposal?

**0 KWH/ square foot (or) 0 KBTU/ square foot**

(For residential projects, also provide **0 KWH/KBTU / dwelling unit**)

Show calculations here, and list sources for energy savings estimates, or attach backup data pages

In reference to the currently in force 2018 WSEC-R, there is zero energy impact as this proposal rolls back changes that the 2021 WSEC-R would have imposed.

List any **code enforcement** time for additional plan review or inspections that your proposal will require, in hours per permit application:

Zero impact to plan review or inspection time or process.

**Small Business Impact.** Describe economic impacts to small businesses:

This proposal averts any cost increases that this section of the 2021 WESC-R would have created. Zero small business impact in relation to the currently in force 2018 WSEC-R.

**Housing Affordability.** Describe economic impacts on housing affordability:

This proposal averts any cost increases that this section of the 2021 WESC-R would have created. Zero housing affordability impact in relation to the currently in force 2018 WSEC-R.

**Other.** Describe other qualitative cost and benefits to owners, to occupants, to the public, to the environment, and to other stakeholders that have not yet been discussed:

Reduces legal risk and uncertainty to building officials, municipalities, and the state related to conflicting provisions in this code that are preempted by federal law.